

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case No. S-2555

PETITION OF ELSA M. FRIEDMAN

OPINION OF THE BOARD

(Public Hearing Date: January 13, 2003)
(Effective Date of Opinion: March 14, 2003)

Case No. S-2555 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

Pursuant to the authority contained in Section 59-A-4.125 of the Montgomery County Code, the Board referred the application to the Hearing Examiner for Montgomery County to conduct a public hearing. The hearing was held on January 13, 2003, and on February 11, 2003, the Hearing Examiner issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 10, Block 9, Locust Hill Estates Subdivision, located at 4909 Asbury Lane, Bethesda, Maryland 20814, in the R-60 Zone.

Decision of the Board: Special Exception **granted**, subject
to conditions enumerated below.

The Board of Appeals considered the Report and Recommendation at its Worksession on March 5, 2003. After careful consideration, on a motion by Allison Ishihara Fultz, seconded by Angelo M. Caputo, with Donna L. Barron, Louise L. Mayer and Donald H. Spence, Jr., Chairman in agreement, the Board voted to adopt the Report and Recommendation and **grant** the special exception subject to the following conditions:

1. Petitioner shall be bound by her testimony and exhibits of record, including Exhibit Nos. 1, 3, 6, and 19, the testimony of her witnesses and representations of her attorney, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.

2. The accessory apartment must be maintained in compliance with the Montgomery County Housing Code including, but not limited to, the requirement that the dryer exhaust must vent to the outside.
3. The number of occupants in the accessory apartment shall be limited, pursuant to the provisions of the Montgomery County Housing Code, and based upon the square footage of the apartment.
4. The Petitioner must reside at the subject property and may receive compensation for only one dwelling unit.
5. The special exception is granted to Petitioner only.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 14th day of March 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.